

PIKE COUNTY PROJECT DEVELOPMENT BOARD

REGULAR MEETING MINUTES

**Pike County Courthouse
Pikeville, Kentucky**

August 6, 2009, at 5:00 p.m.

CHAIR: Judge/Executive Wayne T. Rutherford

MEMBERS OF THE BOARD PRESENT:

**Circuit Court Clerk David Deskins
Citizen at Large Hon. Charles E. Lowe, Jr.
District Judge Darrell Mullins
State Bar Association Representative Neal Smith
Jim King for Jeff Lilly, AOC Project Manager**

OTHERS PRESENT:

**Debbie Bailey, Grace Fellowship
Bobby Branham, Executive Assistant to Judge/Executive
Emily Burton, Appalachian News-Express
R. Roland Case, Assistant Pike County Attorney
Rose Chaney, Jet One Hour Cleaners
Rusty Davis, Pikeville City Attorney
Rose Farley, Recorder
Michael George, Ross, Sinclair & Associates
Mary Meadow, Medical Leader
Jeanne Robinson, Executive Assistant to Judge/Executive
Steve Sherman, Sherman, Carter and Barnhart
Mike Stewart, Grace Fellowship
David Sumner, Codell Construction**

MEMBERS OF THE BOARD ABSENT:

**Magistrate Jeff Anderson
AOC Representative/City Manager Donovan Blackburn
Circuit Judge Eddy Coleman**

Judge/Executive Wayne T. Rutherford, Chair of the Pike County Project Development Board, called to order a regular meeting of the Board on August 6, 2009, at 5:00 p.m., in the Pike County Fiscal Courtroom, Pike County Courthouse, 146 Main Street, Pikeville, Kentucky. Judge Rutherford introduced Jim King who will be sitting in for Jeff Lilly during this meeting and who has extensive knowledge of the project's progress and administrative procedures. **Upon motion by David Deskins and second by Darrell Mullins, the Board unanimously APPROVED the board meeting minutes for July 2, 2009, with the exception of Charles E. Lowe, Jr., who ABSTAINED since he was not present at the July meeting.**

David Sumner of Codell Construction announced to the Board that his company had sent out proposals to acquire environmental assessments on the properties and had received five responses. He recommended ATC from Simpsonville. Judge Rutherford interposed, however, that the Board and Fiscal Court prefer to do business locally when possible and the Court has passed a resolution to that effect. Mr. Sumner said any firm selected to carry out the work would be fine with Codell. Assistant Pike County Attorney R. Roland Case asked the difference in the price and Mr. Sumner said Summit Engineering, Inc., prices were about 75% more than the responses sent in.

Judge Rutherford asked if it were necessary to hire the company today and Steve Sherman from Sherman, Carter and Barnhart, architects for the project, urged the Board to do so. He pointed out Summit Engineering is part of the design team and to choose that firm would offer better continuity. **Upon motion by Neal Smith and second by Darrell Mullins, the Board unanimously AUTHORIZED the hiring of Summit Engineering, Inc., to submit a proposal for environmental assessments on the properties to be used in the construction of the new Judicial Center for Pike County based on the fact that Summit is already currently involved in this project.**

Judge Rutherford presented a request from Ronald Conn, Fire Chief at the Pikeville Fire Department, for permission to use the abandoned buildings at the end of Main and Pike Streets (the Pinson Hotel and the Weddington Theater) for training purposes, noting that people from Frankfort would be here to train the firefighters for certification. Judge Mullins, who lost his home to fire last September, said he had seen the city fire department in action and saw them respond in four minutes, so anything that could be done to assist them would be great. Judge Rutherford said this would train the firefighters to bring people out of burning buildings. Mr. King declared this was vital training considering the Jefferson County Courthouse had lost all records recently mainly because the firemen were not familiar with the courthouse design. He stated just two weeks ago, the Joint Interim Committee meeting asked that the courts work more closely with the fire departments for a more effective response. **Upon motion by Darrell Mullins and second by Neal Smith, the Board unanimously APPROVED and AUTHORIZED the use of the abandoned Weddington Theater Building and Pinson Hotel Building by the Pikeville Fire Department for training for certification in search and rescue, firefighter rescue and ventilation, among other training.**

In his status report to the Board, Attorney Davis said he had worked out a settlement with the Weddington Theater property owners and Attorney Case would now prepare a deed for this. The Grace Fellowship Church had members present in the audience and the only question they had was whether they should pay rent for the next month. Attorney Davis responded the Board could not legally collect rent. Mr. Smith said the church could stay by grace. Attorney Davis said the timetable to start demolition could probably be moved ahead but even though the church had found a place to move into, they needed about two months to do so. The architect said that would probably be about October 1 if the theater was saved until last for demolition and he asked for a letter from the church saying it would voluntarily be relocated by October 1. Church member Debbie Bailey asked for that to be October 3.

Under the T.J. Realty title, the Larry Webster law office is in appeal and the brief must be filed by October 30, 2009. Attorney Davis said there are "CLOSED" signs on the Pinson Hotel with September 2 set for trial date. Robert Pinson said he could not be out in thirty days since he has 72 rooms of furniture to move. Attorney Davis will check this property again on the 15th day of the month since the Board has possession of it now that the money has been paid to the Circuit Clerk.

Ms. Rose Chaney, owner of the Jet One-Hour Dry Cleaners formerly located in the Pinson Hotel Building, has said she will vacate by the end of the month. She was present today and Judge Rutherford assured her of assistance in getting the equipment out since it will not go through the front door. Mr. Smith said whatever is needed will be done for removal. Attorney Davis said authorization could be given for a window to be taken out as long as it is secured back in place. Judge Rutherford asked Bobby Branham, Executive Assistant and Property Manager, to oversee this and Mr. King said this would be a good expenditure and re-establishing the window would be a good security barrier. Ms. Chaney said it would cost \$650 to take out the panes alone and Attorney Davis said the Board might have to bear the remainder of the expense for this. Mr. King said the Board will most definitely work with them; that replacement did not have to be beautiful, just immediate and secure. Mr. Branham said the Public Works Department could help with this and he felt the store front could be removed easily. Attorney Davis stated the procedure for conducting the trial of this property must be discussed in Executive Session.

He said possession has been taken on the Larry Keene property and the money paid in so he asked the judge for a timetable for Raccoon Auto Sales to vacate. He will revisit that property in the middle of the month also. Attorney Case said he had spoken with those owners and the church and both sets know they must cooperate by vacating. Attorney Davis said settlement of the Lonnie Johnson property must be discussed in Executive Session. The Hattie Thompson property is another case on appeal. The Alcie Combs property is under appeal as well with a deadline of October 10 and is primarily a settle case.

Attorney Case reported that the Coroner's Office has vacated that building in the Alcie Combs' property. Attorney Davis' Condemnation Report for July 30, 2009, is attached to the end of the text of these board minutes, entitled "Attachment A" and made a part hereof as if fully written herein.

Judge Rutherford called upon Mr. King to present bills for payment. He presented bills from the architect and Summit Engineering. He explained that the Summit bill has not yet been entered into the computer at AOC but would be immediately upon his return and the paperwork completed. **Upon motion by Neal Smith and second by Darrell Mullins, the Board unanimously AUTHORIZED payment 1) to Sherman, Carter and Barnhart, Architects for the Judicial Center Project, for work already performed in the sum of \$281,078.40; and 2) to Summit Engineering, Inc., in the sum of \$10,400.00.**

Mr. Sherman stated the original goal was to have the project bid at mid-December and with all the delays, that goal is now extended to around March 10. He said if the Board would adopt his next proposed strategy, two months could be cut from the schedule and the project would be only two months behind. He suggested having the geotech investigation done first on the properties already owned and once all the buildings are taken down, then the rest of the investigations could be done.

He said there is great certainty that after the first geotech investigation is completed for the design and foundation systems, they can proceed to put out the project for bid. He added then, if changes must be made, they can be made while the project is out for bid and two months at least will be saved. He stated, however, if changes are made and the project then bid, the risk factor for design and later changes may add up to \$25,000. He declared there is now about a 90% certainty based on preliminary information but if different information results, it could cost \$25,000 to adjust those changes yet the project itself would be at least two months earlier. He said the Board could ask the firm simply to wait but it will add at least two months to the project, along with the factor that prices may increase. Judge Rutherford responded he did not see that the Board had any choice and Mr. King concurred. Mr. Sherman said his firm would submit this to AOC for further action if the Board agrees. He said it is the slab that his firm is concerned about and only the geotech studies will determine that. The Board agreed to this.

Executive Session was called for. **Upon motion by Neal Smith and second by David Deskins, the Board unanimously APPROVED moving into Executive Session to discuss a specific offer of settlement and trial strategy concerning the Lonnie Johnson and Pinson Hotel properties.**

Following Executive Session, **upon motion by Neal Smith and second by David Deskins, the Board unanimously AUTHORIZED Assistant Pike County Attorney R. Roland Case to make an offer of settlement to Lonnie Johnson for his property in the sum of \$57,000.** Attorney Davis declared in open meeting that the Board will take no action with regard to the Pinson Hotel property.

With no further business before the Board, the Chair ADJOURNED the meeting.

Respectfully submitted,

Rose Farley, Clerk